

# City Council Agenda

Council President  
Clinton J. Olivier

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Lee Brand

Sal Quintero  
Larry Westerlund  
Blong Xiong – Acting President

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## July 19, 2012

### 8:30 A.M. ROLL CALL

Invocation by Sharon Stanley of Fresno Interdenominational Refugee Ministries (F.I.R.M.)

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation of "iCAN TRIATHLON DAY" – Councilmember Brand – **Read and presented**

Proclamation of "PARKS AND RECREATION MONTH" – City Manager's Office – **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light

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\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION

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AND MAY BE AMENDED AT ANYTIME

comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of **June 14, 15, 18, 20, 21, 27** and **28**, 2012

**Action Taken:** Approved

Approve Successor Agency minutes of **June 14, 2012**

**Action Taken:** Approved

Approve Fresno Revitalization Corporation minutes of **June 14, 2012**

**Action Taken:** Approved

Approve City of Fresno Cultural Arts Properties minutes of **June 28**, 2012

**Action Taken:** Laid over one week

Councilmember Reports and Comments

**Action Taken:** None made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. **Authorize the Chief of Police to enter into a three-year lease agreement between the City of Fresno and the Mark and Tami Graham Family Trust for indoor vehicle storage and classroom space at 5280 and 5282 E. Pine Street in Fresno, CA for the Police Department Bomb Squad, SWAT and training units – Police Department**

**Action Taken:** Authorized

- B. **Actions pertaining to the State of California Department of Alcoholic Beverage Control – Police Department**

1. **RESOLUTION** - Authorizing acceptance of \$100,000 in grant funding from the State of California Department of Alcoholic Beverage Control

**Action Taken:** Resolution No. 2012-130 adopted

2. \* **RESOLUTION** - 2nd amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$100,000 for the Police Department's operations related to the alcohol enforcement *(Requires 5 affirmative votes)*

**Action Taken:** Resolution No. 2012-131 adopted

- C. **Approve appointments of Mary Smith and Alvin Smith to the Fresno Regional Workforce Investment Board – Council President Olivier; and the appointment of Lisa Woolf to the Historic Preservation Commission - Mayor's Office**

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- D. **Award a construction contract in the amount of \$141,980 to Roof Systems, Incorporated, DBA Nations Roof West (Fresno), for the construction of the roof replacement of the Pinedale Community Center (*Property located in District 2*) – Public Works Department**  
**Action Taken:** Awarded
- E. **Action pertaining to Final Map of Tract No. 6000 located on the south side of E. Nees Avenue between N. Chestnut Avenue and N. Willow Avenue (*Property located in District 6*) – Public Works Department**
1. **RESOLUTION** - Approving the Final Map of Tract No. 6000 and accepting the dedicated public uses offered therein; and to authorize the Public Works Director or his designee to execute the Subdivision Agreement and the Covenant for the maintenance of certain improvements under Community Facility District (CFD) No. 11 on behalf of the City, authorize the Director of Public Utilities or his designee to execute the Covenant for special solid waste disposal services on behalf of the City and to authorize the Development and Resource Management Director or his designee to execute the Covenant deferring eligible development impact fees to the time of building permit and occupancy on behalf of the City  
**Action Taken:** Resolution No. 2012-132 adopted

**CONTESTED CONSENT CALENDAR**

**GENERAL ADMINISTRATION**

- A. **Actions pertaining to the Fresno Street grind and overlay from Herndon Avenue to Nees Avenue project (*Property located in District 6*) - Public Works Department**
1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the Fresno Street grind and overlay from Herndon Avenue to Nees Avenue project  
**Action Taken:** Adopted
2. Award a construction contract with Agee Construction Corporation of Clovis, California, in the amount of \$1,094,129.00 for the Fresno Street grind and overlay from Herndon Avenue to Nees Avenue project  
**Action Taken:** Awarded
- B. **Actions pertaining to the completion of the Veterans Boulevard project (*Property located in District 2*) – Public Works Department**
1. Approve a professional services agreement with Mark Thomas & Company, Inc., in the amount of \$5,489,621, with a contingency of \$500,000 for the completion of Caltrans project plans, specifications and estimates (PS&E) phase for the Veterans Boulevard/State Route 99 Freeway Interchange and Union Pacific Railroad grade separation project between Shaw Avenue and Herndon Avenue  
**Action Taken:** Approved
2. \* **RESOLUTION** - 1st amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$8,666,300 for the design of the Veterans Boulevard Capital Project (***Requires 5 affirmative votes***)  
**Action Taken:** Resolution No. 2012-133 adopted
- C. **Approve the first amendment to a Caltrans Cooperative Agreement for \$570,000 in Federal Transportation, Community, and System Preservation Program (TCSP) funds for Veterans Boulevard – Public Works Department**  
**Action Taken:** Approved

## **GENERAL ADMINISTRATION CONTINUED**

- D. **Actions pertaining to improvements on State Route 99 and the proposed Veterans Boulevard alignment (Property located in District 2) - Public Works Department**
1. Approve a Cooperative Agreement with the California Department of Transportation (Caltrans) for the preparation of plans, specifications and estimates (PS&E) and right-of-way acquisition for construction of a new interchange and associated improvements on State Route 99 and the proposed Veterans Boulevard alignment  
**Action Taken:** Approved
  2. **RESOLUTION** - Affirming that the City Council will hear resolutions of necessity for the construction of a new interchange at the intersection of State Route 99 and Veterans Boulevard, in the event eminent domain proceedings are necessary  
**Action Taken:** Resolution No. 2012-134 adopted
- E. **RESOLUTION - Authorizing the submission of applications for grant funds up to \$2,000,000 from the California Transportation Commission State Local Partnership (SLPP) and authorize the execution of documents by the Public Works Director or designee (Projects located in Districts 4 and 6) – Public Works Department**  
**Action Taken:** Resolution No. 2012-135 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 10:00 A.M. **HEARING to adopt a resolution ordering the vacation of E. Burns and E. Eugenia Avenues east of S. Martin Luther King Jr. Boulevard, S. Bardell Avenue between E. Burns and E. Eugenia Avenues (Property located in District 3) – Public Works Department**  
**Action Taken:** Held
1. Adopt a finding that a supplemental or subsequent EIR or Negative Declaration is not required pursuant to CEQA Guidelines Sections 15162 or 15163  
**Action Taken:** Adopted
  2. \* **RESOLUTION** - Ordering the vacation of E. Burns and E. Eugenia Avenues east of S. Martin Luther King Jr. Boulevard, S. Bardell Avenue between E. Burns and E. Eugenia Avenues, and various public utility easements between E. Church and E. Burns Avenues east of S. Martin Luther King Jr. Boulevard  
**Action Taken:** Resolution No. 2012-136 adopted
- 10:30A.M. **HEARING to consider Plan Amendment Application No. A-11-012, Rezone Application No. R-11-018, and environmental findings, filed by The McCaffrey Group, pertaining to approximately 13.83 net acres of property located on the southeast corner of the intersection of E. Copper and N. Maple Avenues (Property located in District 6) – Development and Resource Management Department**  
**Action Taken:** Held
- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-11-012/R-11-018/C-11-178/T-6003 for purposes of the proposed project  
**Action Taken:** Adopted
  - b. **RESOLUTION** – Amending the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land use for the subject property from the Neighborhood Commercial planned land use designation to the Medium Density Residential (4.99-10.37 dwelling units per acre) planned land use designation  
**Action Taken:** Resolution No. 2012-137 adopted
  - c. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/with conditions of zoning) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district  
**Action Taken:** Bill No. B-16/Ordinance No. 2012-15 adopted

## CITY COUNCIL

### CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)  
**Significant Exposure to Litigation:**  
1. Pacific Gas & Electric Co. v. City of Fresno (1283 N. West, Fresno)  
**Action Taken:** Held
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)  
1. **Case Name:** Brian Rosendahl v. City of Fresno, et al., Superior Court Case No.: 11CECG01124  
**Action Taken:** Removed from the agenda

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

### SCHEDULED COMMUNICATION –

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

### SCHEDULED COUNCIL HEARINGS AND MATTERS

July	26 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates – <b><i>(Reception immediately following – 2<sup>ND</sup> floor foyer)</i></b>
July	26 -	10:00 A.M.	<b>HEARING</b> re: levying and collecting the annual assessment for LLMD No. 1 (City wide) - P.W. Dept.
July	26 -	10:15 A.M.	<b>HEARING</b> regarding Urban Growth Management (UGM) Oversize Sewer Service Area Consolidation
Aug.	2 -		<b>NO MEETING – COUNCIL VACATION</b>
Aug.	9 -		<b>NO MEETING – COUNCIL VACATION</b>
Aug.	16 -	1:00 P.M.	<b>HEARING</b> to consider a resolution of public use and necessity for the acquisition of a portion of APN 477-021-23, owned by La Jolla Loans, a California Corporation, for the construction of a ponding basin for the adjacent Veterans Home and the widening of Marks Avenue south of California Avenue
Aug.	23 -	5:00 P.M.	<b>HEARING</b> re: introduction of Draft General Plan for CEQA – DARM
Aug.	30 -	5:00 P.M.	<b>HEARING</b> re: approval of Draft General Plan for CEQA - DARM
Sept.	6 -		<b>NO MEETING – COUNCIL VACATION</b>
Sept.	13 -		<b>NO MEETING – COUNCIL VACATION</b>